

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK**

Eliana De La Cruz)
Jacob Abadariki)
Vivene Abdur-Rashid)
Yetunde Abe)
Larisa Abramova)
Ana Abreu)
Cruz-Maria Acevedo)
Rosa Acosta)
Koren Adams)
Ronald Adams)
Cheryl Adams-Johnson)
Bertha Adedapo)
Olitan Adedapo)
Abimbola Adeyeri)
Kabir Adiro)
Esther Agront)
Motolani Aiku)
Mary Akarumeh)
Daniel Akpata)
Titilayo Akuyeml)
James Alapat)
Carmen Albelo)
Nichole Alexander)
Wanda Alexander)
Pamela Alfred)
Cliff Ali)
Sheila Alieva)
Regina Allen)
Shatina Allen)
Ashley Alleyne)
Ismael Almondovar)
Augustina Almonte)
Maria Almonte)
Maria Luz Almonte)
Rosa Altamirano)
Joan Alvarado)
Nolvia Alvarez)
Emmanuella Amazan)
Akm Amran)
Juanita Ancrum)
Joan Anderson)
Angela Andino)
Joseph Andrews)

Demetry Anemojanis)
Sandra Anglin)
Sheila Aniekwe)
Morufu Animashaun)
Aninder Anra)
Michael Anyane-Yeboah)
Belkis Araujo)
Argenis Aristizabal)
Emily Arowolo)
Stephen Asante)
Nicole Ashman)
Jacqueline Atalede)
Emmanuel Auguste)
Gertie Augusto)
Georges Aumoithe)
Eileen Avery)
Idalia Avila)
Ibilola Awosika)
Sunday Ayanfodun)
Dawda Bah)
Latonya Bailey)
Tawa Bakarey)
Allison Ball)
Anna Balock)
Modesta Baltazar)
Nicole Barker)
Laura Barnes)
David Bartolo)
Sylvia Bashford)
Melda Bashien)
Renita Bates)
Amarilis Batista)
Argentina Batistia)
Jerome Batts Jr.)
Dietrich Batts-Brown)
Eliana Bauta)
Lionel Beaubrun)
Kathleen Beckles)
Trevor Bedreau)
Julia Bekerman)
Donella Bell)
Sandra Bell)
Giovanna Benitez)
Jonnie Bennett)
Christina Bermudez)
Izobella Beskin)

Kathleen Best)
Rosanna Betances)
Yeva Beydieiman)
Naresh Bhowmik)
Ayeasha Bishop)
Isabella Bishop-George)
Israel Blanco)
Lizeth Blanco)
Faye Blue)
Aurea Bonet)
Henry Bonilla)
Junior Bontemps)
Joan Boston)
Moustapha Boukari)
Nicole Bowen)
Brenda Boyce)
Victoria Boyce)
Atiya Boyd)
Shirley Bramble)
Emma Brew)
Joy Brewster)
Altagracia Brito)
Evelyn Brito)
Tiffany Broadwater)
Errol Brown)
Nicole Brown)
Sariya Brown)
Shatina Brown)
Telee Brown)
Dorrine Brown-Layne)
Maria Buffa)
Tremayne Bunche)
Charlotte Burris)
Elaine Burriss)
Maria Burton)
Dalia Butcher)
Charell Butler)
David Butler)
Sheila Butler)
Tayisha Butler)
Luis Caballero)
Mirlande Cadet)
Daphne Caldwell)
Angelica Callahan)
Cathy Camacho)
James Cameron)

Tracy Campbell)
Eula Campbell)
Jeffery Campbell)
Maria Campbell)
Marjorie Campbell)
Rosa Candelario)
Madeline Candeloria)
Diomaris Capellaw)
Diana Carlo)
Angela Carr)
Alice Carrington)
Dealphia Carroll)
Andre Carter)
Jeannine Carter)
Ramona Casimiro-Deleon)
Gladys Castillo)
Ann Cato)
Sherene Cato)
Nadhege Caze)
Nadine Cenard)
Svetlana Cernei)
Debora Chandler)
Dara Chapman)
Michael Chapman)
Gabrielle Chapoteau)
Shondell Charles)
Carmen Charriez)
Islyn Chase-Dillon)
Joselin Checo)
Ednita Cheek)
Fiona Chen)
Evelyn Cheng)
Bernadette Chin-On)
Horng Yu Chou)
Musaddeque Choudhury)
Victoria Cirigliano-Doria)
Chanize Clark)
Tammy Clark)
Marvin Clear)
Tracy Cleckley-Cooke)
Katia Cociffi)
Andra Cojoc)
Lorine Coleman)
Denise Collum)
Josephine Colon)
Natalie Colon)

Juana Colon-Rivera)
Rita Concepcion)
Angela Contreras)
Jamie Cooper)
Patricia Cooper-Small)
Djuana Copeland)
Ginette Coppex)
Jimmy Cora)
Carmen Cordero)
Maritza Cordeva)
James Cottrell)
Tiffany Covington)
Robertino Cox)
Tracie Crane)
Millicent Crisp)
Lorraine Crockett)
Melodie Crowell)
Yuvelky Cruz)
Carmelitta Cunningham)
Diego Curatolo)
William Dabney)
Karlene Dacres)
Andrew Dalgetty)
Silvia Danens)
Joanne Dash)
Daisy Davis)
Doretha Davis)
Gregory Davis)
Sabrina Davis)
Deborah Davy)
Muriel Dawson)
Shamika Dayling-Reid)
Deyanira De Los Santos)
Yolanda DeJesus)
Rafael Del Valle)
Ebony Delerme)
Grace Delgado)
Lindita Deloj)
Nilsa Demorizi)
Linda Dennis)
Sabrina Dennis)
Augusto DePass)
Cynthia Depeiza)
Gernald DeShong)
Catherine Desmaratte)
Evelin Diaz)

Fatima Diaz)
Maria Diaz)
Maria Diaz)
Maria Diaz)
Sofia Diggs)
Maritza Dilone)
Lillian Dixon)
Terence Dixon)
Tiniekqua Dockery)
Sharon Dolphin)
Michael Domingo)
Carmen Dominguez)
Marjorie Dorsaint)
Karen Douglas)
Donna Doxen-Williams)
Daniel Ducasse)
Kimchyann Duong-Williams)
Evelyn Dupree)
Marcelyn Dupree)
Joy Durrant)
Kathleen Dyett)
Leslyn Eastmond)
Obehi Ebesonun)
Evelyn Echevarria)
Valeria Echevarrieta-Djari)
Lorriane Edinboro)
Mojisola Edun)
Edwin Edurie)
Donaldyn Edwards)
Sharina Edwards)
Tony Edwards)
Wayne Edwards)
Adrien Egalite)
Maya ElSayed)
Denise Emanuel)
Aghavese Enadeghe)
Maya Entin)
Melissa Enyiema)
Lavone Epps)
Lunilda Escolestio)
Carlos Espinal)
Mercedes Espinal)
Yadirys Estefany)
Marlenny Estevez)
Alberto Estrada)
Juan Estrada)

Shera Evans)
Tracy Evelyn)
Clarence Everett)
Emmanuel Evulukwu)
Karen Facey)
Florence Fanja)
Juan Faria)
Pamela Farquharson)
Oladipo Fayemi)
Emily Fayomi)
Luisa Felix)
Michelle Feller)
Sandra Felton)
Brian Ferguson)
Maria Ferrer)
Marcella Figueroa)
Carmen Figueroa-Asencio)
Oluwasegun Filani)
Howard Fink)
Vinette Fisher)
Evelyn Flaharty)
Tracey Flood)
Otto Flores)
Solomon Folashade)
Lawrence Fondiller)
Cassandra Fonollosa)
Sherriel Fords)
George Foulkes)
Marie Francis)
Ramon Franco)
Elaine Frank)
Ngozika Frank)
Carolyn Frazier)
Carmen Freeman)
Regina French)
Janice French-Garrett)
Anatoly Frenkel)
Horace Friend)
Gizella Frost)
Jenny Fuentes)
LaShonna Fullen)
Juanita Fuller)
Sharon Fuller)
Michelle Fuller-Edwards)
Ahesha Fullwood)
Terry Fulton)

Awilda Gamboa)
Angela Garcia)
Charles Garcia)
Birmania Garcia Pineiro)
Luz Garcia-Martin)
Elise Garner)
Patricia Garrison)
Aretha Gary)
Linda Gary)
Yvette Gary-Price)
Tyease Gatewood)
Sharon Gayle)
Donna Gayle-Francis)
Valle Gedeon)
Alexander Gelpern)
Edwin George)
Michel George)
Esmeralda Gerena)
Shereen Gerges)
Delores Gibson)
Elethia Giff)
Janea Gilford)
Jocelyn Gillot)
Errol Giordani)
Joanne Glasgow)
Natasha Glasgow)
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Marvin Glover)
Siobhan Glynn)
Christian Gomez)
Alfred Gonzalez)
Angela Gonzalez)
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Galina Grabovsky)
Andrea Grace)
Debora Graham)
Carmen Granados)
Ina Linette Grant)
Crystal Grant-Dockery)

Diana Gray)
Diane Gray)
Austin Greaves)
Bennie Green)
Edward Green)
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George Grellet)
Shirley Griffin)
Claudette Grizzalti)
Awilda Guadalupe)
Kapo Guandique-Li)
Shirley Guerrant)
Dulce Guerrero)
Judith Guerrier)
Daisy Guifl)
Johnathan Guzman)
Subedat Habeeb)
Luisa Haddock)
Jurema Hadley)
Deborah Haines)
Joan Hamilton)
Elaine Harbin)
Donna Harden)
Marcel Harding)
Baberly Hardy)
Regina Hardy)
Varetta Harris)
Sharon Harris-McGeachy)
Angela Hart)
Risikat Hassan)
Derrick Hawkins)
Linda Heastie-Haddock)
Sandra Heller)
Michael Henderson)
Amelia Hendricks)
Lillian Henry)
Roseann Henry)
Evelyn Hernandez)
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Mena Hernandez)
Miguel Hernandez)
Minam Hernandez)
Rosa Hernandez)
Virginia Hernandez)
Rosa Hidalgo)
Joan Higgins)

Shameeka Hill)
Belinda Hodges)
Caroline Hogans)
Arlene Holland)
Brenda Hooper)
Monica Hooper)
Lulu Hopkins)
Patricia Horsford)
Asra Horton)
Sandra Howell-Jones)
Nurul Huda)
Sheila Hudson)
Janet Hughes)
Jacqueline Hunter)
Chinyere Igboekwe)
Emily Ikpaha)
Napoleon Imarhiagbe)
Josefina Infante)
Mayra Infante)
Lola Ingram)
Velda Ingus)
Melvin Irby)
Marjorie Irigoyen)
Lillian Irizary)
Rosaline Iwuagwu)
Helen Iyasere)
Lueverna Jackson)
Sharon Jackson)
Barbara Jackson-Neville)
Michael Jacob)
Jahin Jacobs)
Nelly Jacome)
Marie Jadotte)
Janet James)
John James)
Keena James)
Patricia James)
Bernadette Jayco)
Michemello Jeam-Michel)
Cleante Jean)
Thomas Jean-Baptiste)
Maxime Jean-Pierre)
Karen Jeanty-Byer)
Akita Jefferson)
Tracey Jimenez)
Luis Joglar)

Latanya Johannes)
Alfred Johnson)
Ayesha Johnson)
Bonita Johnson)
Collette Johnson)
Delores Johnson)
Felicia Johnson)
Kendrah Johnson)
Tina Johnson)
Diane Joiner)
Cherita Jones)
Dawn Jones)
Jamila Jones)
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Robert Jones)
Tameka Jones)
Ynique Jones)
Jennifer Jordan)
Janice Joseph)
Adeline Joseph-Senat)
Sharon Joyner)
Debora Junior)
Peter Kaleeny)
Kalu Kalu)
Thomas Kamara)
Diana Kearney)
Nicole Kelly)
Rachel Kemp)
Judy Kendrick)
Idowu Kingsley)
Justin Kinney)
Lillian Koeiman)
Olasupo Kofoworola)
Nivedita Komar)
Nathaniel Koszer)
Svetlana Koverzneva)
Vivek Kumar)
Ramachandran Kumaran)
Elina Kvasha)
Ada Laboy)
Liliya Ladyzhenskya)
Cassandra Lattimore)

Tommy Lau)
Jacqueline Lauretano)
Tabitha Lawson)
Eduard Lazarovich)
Catalina Lebron)
Christina Lebron)
Yvetter LeCraft)
Aramis Lee)
Rowena Lee)
Vanessa Lee)
Diana Lee-Lewis)
Crisanta Leiva)
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Andrea Leslie)
Silvia Lester)
Antwain Letbetter)
Travis Letbetter)
Letricia Leverett-Williams)
Shu Mei Li)
Carmen Libran)
Camille Lindor)
Jeranny Liriano)
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Sabrina Little)
Corthaner Littles-James)
Veronika Lodzhevskaya)
Eldora Logan)
Lindita Loma)
Maria Lopez)
Yomyra Lopez)
Tatiana Lora)
Zoila Lorenzo)
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Debra Lowers)
Luis Lucas)
Thomas Lucas)
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Clara Luker)
Natasha Lyons)
Kristie Mack)
Comlan Madou)
Shanda Maldon)
Gaurish Malhotra)
Cecilia Malone)

Rozana Mandelberg)
Nina Mantelman)
Larisa Manuk)
Maria Mariani)
Patricia Marrow)
Lea Marshall)
Jacqueline Marte)
Wendy Marte)
Bernard Marti)
Eunice Martin)
Cesarina Martinez)
David Martinez)
Dean Martinez)
Connie Mason)
Osman Mat)
Vickie Matheny)
Marilyn Matheson)
Boby Mathew)
Theresa Matos)
Ludmila Matseleker)
Lori Mayers)
Carolyn McBean)
Annie McClain)
Anne McClellan)
Craig McCosker)
Tamikka McCray)
Natasha McGriff)
Paula McIntosh)
Leslie McKinnon)
Myra McNeal)
Janice McNeil)
Mark Meachem)
Adeline Medard)
Brian Medas)
Saskia Medford)
Haydee Medina)
Ligia Medina)
Michael Medua)
Yolanda Mejias)
Juan Carlos Mejia-Velez)
Luis Melendez)
Cheryl Melton)
Alicia Mendez)
Erik Mendez)
Robert Mensah)
Mayra Mercado)

Venus Mercer)
Pamela Miller)
Lydia Mingo)
Margarita Minino)
Zaida Miranda)
Bertha Mitchell)
Marilyn Mizzell)
Antonio Mojica)
Igor Monastyrsky)
Natasha Monchery-Polius)
Lucila Montero)
Ginette Moore)
Migdalia Moore)
Tiffany Moore)
Zuleyka Morales-Francis)
Ananias Moran)
Maria Morel)
Arisbelkis Moreno)
Minerva Moreno-Roman)
Sandra Morgan)
Andrea Morgan-Hargett)
Winston Morris)
Dawn Moses)
Linda Moses)
Stefi Moskovits)
Jeannette Mota)
Cynthia Murden)
Ijeoma Murray)
Lyneth Murray)
Kalyani Natarajan)
George Nathaniel)
Madelyn Naves)
Grace Ndubuisi)
Ninotte Nelson)
Forsett Newby)
Sharon Newell)
Barbara Nibot)
Darlington Nlemchukwu)
Orlando Norman)
Chavelis Nunez)
Ramona Nunez)
Radharaus Nuoez)
Cecilia Nwachukwu)
Sunday Nwachukwu)
Maryann Obilor)
Victor Ochiobi)

Rosemary Odeyemi)
Candice Odom)
Shirley Odom)
Tina Odom-Aston)
Elizabeth Ofikuru)
Linda Ojeda)
Adenola Ojudun)
Atlanta Okhiria)
Olawabukola Oladoja)
Temidopi Olaky)
Oladipo Olaleye)
Ambrose Olayiniyi)
Charles Oliva)
Raphael Oliver)
Tajudeen Omamuga)
Akeem Onilenla)
Gloria Ormsby)
Elsie Ortiz)
Jorge Ortiz Jr.)
Irenna Orzikh)
Thomas Osei)
Titilayo Osindero)
Margaret Otone)
Paul Oyeinole)
Maribel Pagan)
Yesenia Pagan)
Mirta Pagliaro)
Felicia Palmer)
Oleksandra Panchyskym)
James Parker)
John Parks)
Rosa Parra)
Lydia Parsons-Williams)
Jagdish Patel)
Rashminda Patel)
Andrea Patterson)
Eula Mae Patterson)
Marcia Patterson)
Katherine Paulino)
Terry Payton)
Darlene Peay)
Altagracia Pena)
Yoselin Perdomo)
William Pereina)
Ana Perez)
Milagros Perez)

Junius Perry)
Glenda Peterson)
Ida Peterson)
Myrtle Petrus)
Anh Pham)
Carol Phillips)
Opal Phillips)
Taschica Pickering)
Cameron Pierce)
Valencia Pierre)
Deonarine Pitamber)
Joanna Polidura)
Ferdine Polynice)
Jerome Pope)
Kevin Pritchett)
Deidre Pryce)
Dorie Quan)
Maritza Quinones)
Ernestine Ragin)
Djavhir Rakhamimou)
Nury Ramirez)
Diane Ramos)
Sandra Ramos)
Dimuthu Ranasinghe)
Vibha Raval)
Jaqueline Raymomb)
Ashley Reed)
Sherryl Reese)
Emiliya Revich)
Alba Reyes)
Deborah Reyes)
Miguelina Reyes)
Sandra Reyes-Gil)
Jessica Reyes-Peterson)
Yvonne Reynolds)
Lillie Rich)
Jane Richardson)
Sherman Richmond)
Conchetta Riddick)
Anthony Riley)
Alphonse Rimpel)
Laura Ring)
Alcelio Rivera)
Annette Rivera)
Debra Rivera)
Elizabeth Rivera)

Mario Rivera)
Lisa Rivers)
Laura Roberts)
Maxine Roberts)
Shayne Roberts)
Deborah Robinson)
Denise Robinson)
Naomi Robinson)
Takina Robinson)
Valanza Robinson)
Annmarie Robinson-Warren)
Mirna Robles)
Bessie Rodriguez)
Felix Rodriguez)
Freddy Rodriguez)
Jesus Rodriguez)
Lillian Rodriguez)
Rhonda Roker)
Karin Romain)
Jovan Roman)
Janet Romero)
Kenneth Romero)
Maria Rosales)
Shalonda Ross)
Deborah Rozier)
Vivian Rubio)
Eunice Rucker-Wolfe)
Delia Ruiz)
Beverly Russell)
Nelson Saavedra)
Dellanira Sabater)
Abayomi Sadiq-Lexton)
Rasha Said)
Maritane Saint Preux)
Rafaelle Sainte)
Joseph Saint-Vil)
Josefina Salce-Abreu)
Mario Saleh)
Khadega Salik)
Sheila Samuel)
Fabiola Sanon)
Rosa Santiago)
Trina Sapp)
MD Sarwar)
Patricia Saunders)
Valerie Saunders)

Joel Savarest)
Vanessa Scipio)
Izabella Segal)
Alba Segarra)
Alla Sekansky)
Novella Sermons)
Nelly Severino)
Devorah Shabtai)
Nevien Sharobeem)
Thomas Sharoyan)
Chilirin Shelli)
Cheryl Shelton)
Linda Shorts)
Florine Sills)
Margarita Silverio)
Kathy Simmonds)
Marcus Simmons)
Phillip Simmons)
Darlene Sims)
Viktoria Sirota)
Zinaida Sirotnikovs)
Emmanuel Sledge)
Sidney Smalls)
Natalia Smirnova)
Cynthia Smith)
Ivy Smith)
Jesse Smith)
Nehemiah Smith)
Evelyn Somersall)
Jessica Soto)
Paul Spicer)
Francisco Spies)
Dawn Spiro)
Burnetta Spruill)
Lisa St. Cloud)
Gary Stevens)
Tamara Stewart)
Vani Stirrup)
Monique Stokes)
Lavette Strickland)
Awilda Suarez)
Edna Suarez)
Amparo Suero)
Vincent Sule)
Darlene Sullivan)
Natasha Sullivan)

Natasha Sumerset)
Angeline Swinton)
Dennise Taddoni)
Abu Taslim)
Terrell Tate)
Maria Taveras)
Gabriel Taylor)
Vitali Tcherniak)
John Tejera)
Yazin Tejera)
Lorenzo Thaggard)
Hemangini Thakar)
Andrea Thomas)
Barbara Thomas)
Brenda Thomas)
Clarence Thomas)
Darryl Thomas)
Julia Thomas)
Margaret Thomas)
Mericia Thomas)
Nielandra Thomas)
Sonia Thomas)
Charlene Thompson)
Jacqueline Thompson)
Shelley Thompson)
Judith Thune)
Lanette Tingling)
Tara Tisdale)
Jannette Toledo-Almonte)
Elsa Toro)
Awilda Torres)
Belkis Torres-Morales)
Zakia Toure)
Jennifer Toussaint)
Vayola Toussaint-Loudu)
Sandra Townes)
Quisy Trotman)
Janna Tsay)
Deshaun Valentine)
Rafael Valerio)
Nilda Vasquez)
Teresa Villavicencio)
Charles Villegas)
Rosa Walker)
Toneta Walker)
Bertha Wallace)

Crystal Wallace)	
Leslie Wallace)	
Tangier Wallace)	
Janice Walton)	
Christopher Watson)	
Gail Watson)	
Hyacinth Webb)	
Rose Webb)	
Arline West)	
Tonya Westbrook)	
Olga White)	
Suzanne Wiggins)	
Valerie Wilkins-Jarvis)	
Barbara Williams)	
Crystal Williams)	
Cynthia Williams)	
Hazel Williams)	
Hilary Williams)	
Isaac Williams)	
Janice Williams)	
Paul Daniel Williams)	
Regina Williams)	
Sylvia Williams)	
Tiffany Williams)	
Cassandra Williams-Bonaparte)	
Chris Williamson)	
Norbert Wills)	
Martha Wilson-Lindor)	
Avon Wilson-Pinckney)	
Deborah Winfrey)	
Mercedes Wolff)	
Willie Mae Wright)	
Lyudmila Yakumina)	
Farzana Yasmeen)	
Beatrice Young)	
Henry Yuen)	
Brandon Zager)	
Aziza Zaid)	
Nataliya Zhmiyevskaya)	
Joseph Zhu)	
Tracy Zimmerman)	
Plaintiffs,)	
v.)	Civil Action No.

)	
City of New York)	(JURY TRIAL DEMANDED)
Defendant.)	

COMPLAINT

INTRODUCTION

Plaintiffs, by and through their counsel, the law firms of Woodley & McGillivray, LLP and Spivak Lipton, LLP, for their complaint against the City of New York ("New York City"), state as follows:

PARTIES

1. Plaintiffs have given their written consent to be party plaintiffs in this action pursuant to 29 U.S.C. § 216(b). Such written consents were appended to the Complaint in the attached Appendix to the complaint in Foster v. City of New York Civil Action No. 14-4142 (PGG) from which these plaintiffs were severed and the docket of which has been duplicated and entered in this case. These written consent forms set forth each plaintiff's name and address.

JURISDICTION AND VENUE

2. This Court has jurisdiction over this action pursuant to 28 U.S.C. § 1331 and 29 U.S.C. § 216(b).

3. Venue is proper in this district pursuant to 28 U.S.C. § 1391.

FACTS

4. Plaintiffs are, and at all times material herein have been, employed by defendant in the positions of Job Opportunity Specialists ("JOS") or Associate Job Opportunity Specialists ("AJOS"). Plaintiffs bring this action for a declaratory judgment, back pay and other relief pursuant to 29 U.S.C. § 207, 29 U.S.C. § 216(b), and 28 U.S.C. § 1331 to remedy the defendant's willful and unlawful violations of federal law complained of herein.

5. Each of the plaintiffs in this action while employed by defendant has been an "employee" within the meaning of the Fair Labor Standards Act (FLSA), 29 U.S.C. § 203(e)(1).

6. At all times material herein, each plaintiff has worked for the City of New York as a JOS or AJOS.

7. For example, at all times material herein, plaintiff Kevin Pritchett has worked as an AJOS at Bushwick Center #66, located at 30 Thornton Street, Brooklyn, New York, 11206. At all times material herein, plaintiff Jessica Reyes-Peterson has worked as an AJOS at the Family Services Call Center, located at 260 East 161st Street, Bronx, New York, 10451. At all times material herein, plaintiff Carol Phillips has worked as an AJOS at Fordham Job Center #44, located at 2541-2549 Bainbridge Ave, Bronx, New York, 10458. At all times material herein, plaintiff Raphael Oliver has worked as a JOS at the Family Services Call Center, located at 260 East 161st Street, Bronx, New York, 10451. At all times material herein, plaintiff Dimuthu Ranasinghe has worked as a JOS at Fordham Job Center #44, located at 2541-2549 Bainbridge Ave, Bronx, New York, 10458. At all times material herein, plaintiff Horng Yu Chou has worked as a JOS at Fordham Job Center #44, located at 2541-2549 Bainbridge Ave,

Bronx, New York, 10458. At all times material herein, plaintiff Eliana De La Cruz has worked as a JOS at Fordham Job Center #44, located at 2541-2549 Bainbridge Ave, Bronx, New York, 10458. At all times material herein, plaintiff Katherine Paulino has worked as a JOS at Fordham Job Center #44, located at 2541-2549 Bainbridge Ave, Bronx, New York, 10458. At all times material herein, plaintiff Lanette Tingling has worked as a JOS at the Linden/Brooklyn South Job Center, located at 505 Clermont Ave, Brooklyn, New York, 11238. These plaintiffs bring this action on behalf of themselves and the other JOS and AJOS plaintiffs who work or have worked for defendant at all times material herein.

8. Defendant New York City is, among other things, a juridical entity amenable to suit under the FLSA in that it is, and was at all times material hereto, a public agency within the meaning of Section 3(x) of the FLSA, 29 U.S.C. § 203(x). New York City has a principal office and place of business located at Broadway and Park Row, New York, New York, 10007, and may be served with process by serving the Office of Corporation Counsel, 100 Church Street, New York, 10007.

9. Within the last three years and continuing to date, while working in the position of JOS on behalf of defendant, plaintiffs' job duties are to provide economic support and employment related services to persons in need, to promote individual and family self-sufficiency, as well as various other duties and activities related to serving the citizens of New York City.

JOS Plaintiffs

10. While working as JOS, plaintiffs routinely work over 40 hours a week. JOS are scheduled to work 40 hours a week, Monday through Friday, as their regular

schedule, with one hour each day automatically deducted for meal periods. In addition, two to three times a week they work overtime of 2.5 hours or more on their scheduled work days. Further, plaintiffs work overtime shifts of between 4 and 8 hours on Saturdays in those same workweeks.

11. Plaintiffs JOS also come into work before the official start time of their shifts and perform work for which they are not compensated. Plaintiffs JOS also work through their one hour meal periods for which they are not compensated. Plaintiffs JOS also are not compensated for time that they work at the end of their shifts.

12. For example, plaintiff JOS Raphael Oliver routinely works over 40 hours in a work week. When plaintiff Oliver works over 40 hours, defendant fails to properly compensate him for work performed before the official time that his shift starts even when the earlier actual start time is recorded by the defendant's timekeeping system, during his meal periods or after his shifts. Specifically, during the week of October 6-12, 2013, plaintiff Oliver worked a total of 44 hours, excluding his meal periods, but was not compensated for 45 minutes of this time. During the week of January 6-11, 2014, plaintiff Oliver worked a total of 45 hours, not including the time he worked during his meal periods, and he was not compensated for 30 minutes of this time. In addition, during these weeks, plaintiff Oliver performed work during his meal periods for which he was not compensated.

13. Plaintiff JOS Dimuthu Ranasinghe routinely works over 40 hours in a workweek. When plaintiff Ranasinghe works over 40 hours, defendant fails to properly compensate her for work performed before the official start time of her shift, after the official end of her shift or during her meal periods. For example, during the

week of April 8-14, 2012, plaintiff Ranasinghe worked a total of 60 hours and 33 minutes, excluding her meal periods, and she was not compensated for 1 hours and 48 minutes of this work time. During the week of March 24-30, 2013, plaintiff Ranasinghe worked a total of 50 hours and 20 minutes, excluding her meal periods, but was not compensated for 35 minutes of this time. In addition, during these weeks, plaintiff Ranasinghe also worked during her meal periods for which she received no compensation.

14. Plaintiff Horng Yu Chou routinely works over 40 hours in a work week. When plaintiff Chou works over 40 hours, defendant fails to properly compensate her for work performed before the official start time of her shift, after the shift officially ended, and during her meal periods. For example, during the week of December 1-7, 2013, plaintiff Chou worked a total of 47 hours and 4 minutes, excluding her meal periods, but was not compensated for 1 hour and 4 minutes of this time. During the week of January 5-11, 2014, plaintiff Chou worked a total of 47 hours and 19 minutes, but was not compensated for 49 minutes of this time. During these weeks, plaintiff Chou also worked during her meal periods for which plaintiff Chou received no compensation.

15. Plaintiff Eliana De La Cruz routinely works over 40 hours in a work week. When plaintiff De La Cruz works over 40 hours, defendant fails to properly compensate her for work occurring before the official time her shift began, after her shift, and during her meal periods. For example, during the week of June 9-15, 2013, plaintiff De La Cruz worked a total of 41 hours and 6 minutes, excluding her meal periods, but was not compensated for 51 minutes of this time. During the week of

October 6-12, 2013, a week in which plaintiff De La Cruz was docked 7 minutes for lateness, she worked a total of 40 hours and 29 minutes, excluding her meal periods, but was not compensated for 21 minutes of this time. During these weeks, plaintiff De La Cruz also performed work during her meal periods for which she received no compensation.

16. Plaintiff Katherine Paulino routinely works over 40 hours in a work week. When plaintiff Paulino works over 40 hours, defendant fails to properly compensate her for work performed before the official time her shift began, after her shift, and during her meal periods. For example, during the week of September 15-21, 2013, plaintiff Paulino worked a total of 45 hours and 35 minutes, excluding her meal periods, but was not compensated for 35 minutes of this time. During the week of March 23-29, 2014, plaintiff Paulino worked a total of 45 hours and 33 minutes, excluding her meal periods, but was not compensated for 1 hour and 33 minutes of this time. During these weeks, plaintiff Paulino also performed work during her meal periods for which she received no compensation.

17. Plaintiff Lanette Tingling routinely works over 40 hours in a work week. When plaintiff Tingling works over 40 hours, defendant fails to properly compensate her for work performed before the official time her shift began, after her shift, and during her meal periods. For example, during the week of January 5-11, 2014, plaintiff Tingling worked a total of 55 hours and 50 minutes, excluding her meal periods, but was not compensated for 3 hours and 5 minutes of this time. During the week of February 9-15, 2014, plaintiff Tingling worked a total of 41 hours and 47 minutes, excluding her meal periods, but was not compensated for 1 hours and 17 minutes of

this time. During these weeks, plaintiff Tingling also performed work during her meal periods for which she received no compensation.

18. The amounts of uncompensated work time that each JOS works before his or her official start time of each plaintiff JOS's shift and the amount of uncompensated time that each plaintiff works at the end of each of their shifts is captured on defendant's timekeeping system CityTime as "uncompensated hours." The amount of uncompensated time that each plaintiff performs during each plaintiff's meal periods is captured on defendant's computers on which each plaintiff JOS works. Therefore, the amount of uncompensated time each plaintiff JOS has worked in excess of 40 hours a week can be determined through an analysis of defendant's own records and on its computers.

19. Similar to the JOS plaintiffs identified above, each of the other JOS plaintiffs routinely work more than 40 hours in a work week and are denied compensation during those workweeks for work performed before the official start time of their shifts, during meal periods and after their shifts. The precise amount of uncompensated work time each JOS plaintiff performs can also be identified through CityTime and through defendant's computers on which plaintiffs work.

AJOS Plaintiffs

20. Within the last three years and continuing to date, while working in the position of AJOS on behalf of defendant, plaintiffs' job duties are to assist in the day-to-day work performed by JOS employees, to monitor and take action in cases to ensure that participants in certain City public assistance programs are actively

engaged in seeking employment and satisfying their obligations, as well as various other duties and activities related to serving the citizens of the City of New York.

21. While working as AJOS, plaintiffs routinely work over 40 hours a week. AJOS are scheduled to work 40 hours a week, Monday through Friday, as their regular schedule, with one hour each day automatically deducted for meal periods. In addition, two to three times a week each AJOS plaintiff works overtime of 2.5 hours or more on their scheduled work days. Further, during these workweeks, plaintiffs work overtime shifts of 4 to 8 hours on Saturdays. Plaintiffs AJOS also are not compensated for time that they work at the end of their shifts.

22. Plaintiff Kevin Pritchett routinely works over 40 hours in a work week in his job as an AJOS. When Pritchett works over 40 hours, defendant fails to properly compensate him for work performed before his shift's official start time, at the end of his shift and during his meal periods. For example, during the week of March 2-8, 2014, Pritchett worked a total of 54 hours and 26 minutes, excluding his meal periods, but was not compensated for 5 hours and 56 minutes of this time. During the week of April 20-26, 2014, plaintiff Pritchett worked a total of 69 hours and 19 minutes, excluding his meal periods, but was not compensated for 6 hours and 49 minutes of this time.

23. Plaintiff Jessica Reyes-Peterson routinely works over 40 hours in a work week in her job as an AJOS. When plaintiff Reyes-Peterson works over 40 hours, defendant fails to properly compensate her for work occurring pre- and/or post-shift or during her meal period in violation of the FLSA. For example, during the week of January 5-11, 2014, plaintiff Reyes-Peterson worked a total of 51 hours and 41

minutes, excluding her meal periods, but was not compensated for 41 minutes of this time. During the week of January 26, 2014 through February 1, 2014, plaintiff Reyes-Peterson worked a total of 49 hours and 17 minutes, excluding her meal periods, but was not compensated for 47 minutes of this time. During these workweeks, plaintiff Reyes-Peterson also performed work during her meal periods for which she was not compensated.

24. Plaintiff Carol Phillips routinely works over 40 hours in a work week in her job as an AJOS. When plaintiff Phillips works over 40 hours, defendant fails to properly compensate her for work occurring pre- and/or post-shift or during her meal period in violation of the FLSA. For example, during the week of January 6-12, 2013, plaintiff Phillips worked a total of 45 hours and 30 minutes, excluding her meal periods, but was not compensated for 1 hour and 15 minutes of this time. During the week of April 14-20, 2013, plaintiff Phillips worked 43 hours and 19 minutes, excluding her meal periods, but was not compensated for 2 hours and 4 minutes of this time. During these workweeks, plaintiff Phillips also performed work during her meal periods for which she was not compensated.

25. The amounts of uncompensated work time that each AJOS works before his or her official start time of his or her shift, and the amount of uncompensated time that each AJOS performs at the end of each plaintiff AJOS's shift is captured on defendant's timekeeping system CityTime as "uncompensated time." The amount of uncompensated time that occurs during each plaintiff AJOS's meal periods is captured on defendant's computers on which each plaintiff AJOS works. Therefore, the amount of uncompensated time each plaintiff AJOS has worked in excess of 40 hours a week

can be determined through an analysis of defendant's own records and on its computers.

26. Similar to the AJOS plaintiffs identified above, the other AJOS plaintiffs routinely work more than 40 hours in a work week and are denied compensation during those workweeks for work occurring before the official start time of their shifts, during meal periods and for work time after their shifts. The precise amount of uncompensated work time can also be identified through CityTime (also known as "CitiTime") and through defendant's computers on which plaintiffs work.

Nightshift Differential Pay and the Rate At Which Overtime is Paid

27. When plaintiffs work in the evenings beyond their regular shift times, they are entitled to receive night shift differential pay of ten percent (10%) of their basic rate of pay. In calculating cash overtime payments for plaintiffs, defendant fails to include night shift differential pay in the regular rate of pay at which overtime is paid to the plaintiffs.

Payment of Compensatory Time at the Rate of
One Hour for One Hour of Overtime Worked

28. Plaintiffs who work over 40 hours a week who work what the defendant considers to be "approved overtime" that the defendant classifies to be "voluntary" are paid in compensatory time rather than cash. When the plaintiffs are paid in compensatory time rather than cash for overtime work, they are paid one hour of compensatory time for each hour of overtime that is worked, regardless of whether or not the overtime that has been worked is for work hours in excess of 40 hours a week.

Late Payment of Overtime Worked

29. When plaintiffs are paid for overtime compensation in cash, defendant delays the payment of overtime beyond the next pay period for which the plaintiffs are paid for their regular work hours and in compensatory time for their overtime hours. The delay in payment is done either because the defendant's managerial staff has simply failed to transmit purportedly necessary information to payroll that defendant likes to have to pay overtime to plaintiffs, because defendant simply does not want to incur the cost for budgetary reasons in that particular financial quarter (e.g., when employees' pay exceeds a predetermined cap), or for other reasons that are unrelated to defendant's ability to determine the amount of overtime compensation that is owed to the plaintiffs.

COUNT I

**FAILURE TO PAY OVERTIME FOR ALL HOURS PLAINTIFFS ARE SUFFERED OR
PERMITTED TO WORK IN VIOLATION OF SECTION 7(a) OF THE FLSA, 29 U.S.C. §
207(a)**

30. Plaintiffs hereby incorporate by reference paragraphs 1 through 29 in their entirety and restate them herein.

31. At all times material herein, during those workweeks in which the JOS and AJOS plaintiffs have worked hours in excess of 40 hours a week, they have performed work activities without compensation before the start of their shifts and after their shifts, all of which is recorded on defendant's timekeeping system CityTime, and also during their meal periods, which is mostly recorded on their assigned computers. Accordingly, as a result of these pay practices, defendant has failed to provide plaintiffs with the rights and protections provided under section 7(a) of the FLSA, 29 U.S.C. § 207(a).

32. Section 207 of the FLSA requires the payment of overtime compensation to employees who work in excess of the hourly standards set forth therein. In particular, Section 207(a) requires the payment of overtime compensation at the rate of one and one-half times each employee's regular rate of pay for all hours employees are suffered or permitted to work in excess of forty hours per week. Defendant has failed to comply with the overtime pay requirements of the FLSA in the manner outlined herein by failing to compensate plaintiffs for work that they have been suffered or permitted to work before the official start time of their shifts, during their uncompensated meal periods and after the official end time of their shifts.

33. As a result of defendant's willful and purposeful violations of the FLSA, there have become due and owing to the plaintiffs an amount that has not yet been precisely determined. The employment and work records for the plaintiffs are in the exclusive possession, custody and control of the defendant and its public agencies and the plaintiffs are unable to state at this time the exact amount owing to them. Defendant is under a duty imposed by the FLSA, 29 U.S.C. § 211(c), and various other statutory and regulatory provisions, to maintain and preserve payroll and other employment records with respect to the plaintiffs from which the amount of defendant's liability can be ascertained.

34. Pursuant to 29 U.S.C. § 216(b), plaintiffs are entitled to recover liquidated damages in an amount equal to their back pay damages for the defendant's failure to pay overtime compensation.

35. Plaintiffs are entitled to recover attorneys' fees and costs under 29 U.S.C. § 216(b).

COUNT II

FAILURE TO PROPERLY CALCULATE THE REGULAR RATE OF PAY IN VIOLATION OF SECTION 7 OF THE FLSA

36. Plaintiffs hereby incorporate by reference paragraphs 1 through 35 in their entirety and restate them herein.

37. Section 207(a) of the FLSA, 29 U.S.C. § 207(a), as well as the regulations of the U.S. Department of Labor, 29 CFR Part 778, *et seq.*, require that all forms of remuneration be included in the rate at which FLSA overtime is paid, with some limited exceptions. Defendant has failed to include certain premium payments such as night

shift differential pay that are made in addition to employees' regular pay in the regular rates of pay at which overtime pay is calculated for the plaintiffs as required under the law.

38. Defendant's failure to include night shift differential pay and other forms of additional compensation in plaintiffs' regular rates of pay violate section 7(a) of the FLSA, 29 U.S.C. § 207(a); 29 C.F.R. § 778.207(b). The failure to include night shift differential pay in plaintiffs' regular rates means that when plaintiffs receive paid overtime for working over 40 hours a week, they are paid at a rate that is below the rate mandated by the FLSA.

39. As a result of the defendant's willful and purposeful violations of the FLSA, there have become due and owing to the plaintiffs an amount that has not yet been precisely determined. The employment and work records for the plaintiffs are in the exclusive possession, custody and control of defendant and its public agencies and the plaintiffs are unable to state at this time the exact amount owing to them. Defendant is under a duty imposed under the FLSA, 29 U.S.C. § 211(c), and various other statutory and regulatory provisions to maintain and preserve payroll and other employment records with respect to the plaintiffs and other employees similarly situated from which the amount of defendant's liability can be ascertained.

40. Pursuant to 29 U.S.C. § 216(b), plaintiffs are entitled to recover liquidated damages in an amount equal to their back pay damages for the defendant's failure to pay overtime compensation.

41. Plaintiffs are entitled to recover attorneys' fees and costs under 29 U.S.C. § 216(b).

COUNT III

FAILURE TO PAY FLSA OVERTIME IN A TIMELY MANNER BY PAYING FOR OVERTIME WEEKS OR EVEN MONTHS AFTER THE OVERTIME HAS BEEN WORKED

42. Plaintiffs hereby incorporate by reference paragraphs 1 through 41 in their entirety and restate them herein.

43. The FLSA mandates that overtime compensation be paid on the regular pay day for the period in which such workweek ends. Overtime payments under the Act may not be delayed except as reasonably necessary to compute the amount owned and in no event shall such payments be delayed beyond the next payday after such computation can be made. 29 C.F.R. § 778.106. Defendant has violated these basic principles by delaying plaintiffs' overtime payments for working in excess of 40 hours a week by weeks and in some cases months, with such delay not being reasonably necessary to compute calculating plaintiffs' overtime pay, but rather because of a failure by management personnel to approve overtime payments or due to management withholding such payments until the next budgetary quarter.

44. Defendant's failure to pay plaintiffs FLSA overtime pay in a timely manner and its withholding of such overtime payments violates section 7(a) of the FLSA. 29 U.S.C. § 207(a); 29 C.F.R. § 778.106.

45. As a result of the defendant's willful and purposeful violations of the FLSA, there have become due and owing to the plaintiffs an amount that has not yet been precisely determined. The employment and work records for the plaintiffs are in the exclusive possession, custody and control of defendant and its public agencies and

the plaintiffs are unable to state at this time the exact amount owing to them, but from these payroll records, plaintiffs will be able to ascertain the precise extent of these violations of section 7(a) of the FLSA, 29 U.S.C. § 207(a). Defendant is under a duty imposed under the FLSA, 29 U.S.C. § 211(c), and various other statutory and regulatory provisions to maintain and preserve payroll and other employment records with respect to the plaintiffs and other employees similarly situated from which the amount of defendant's liability can be ascertained.

46. Pursuant to 29 U.S.C. § 216(b), plaintiffs are entitled to recover liquidated damages in an amount equal to their back pay damages for the defendant's failure to pay overtime compensation.

47. Plaintiffs are entitled to recover attorneys' fees and costs under 29 U.S.C. § 216(b).

COUNT IV

FAILURE TO COMPLY WITH THE REQUIREMENT THAT FLSA OVERTIME BE PAID AT THE RATE OF ONE AND ONE-HALF TIMES THE PLAINTIFFS' REGULAR RATES OF PAY AND INSTEAD COMPENSATING PLAINTIFFS WITH STRAIGHT TIME, HOUR FOR HOUR COMPENSATORY TIME

48. Plaintiffs hereby incorporate by reference paragraphs 1 through 47 in their entirety and restate them herein.

49. During the times that plaintiffs have worked in excess of 40 hours in a week, defendant has mandated that all "voluntary overtime" be compensated in compensatory time. Defendant has provided compensatory time at the rate of one hour of compensatory time for each hour of "voluntary overtime" worked, and

defendant has done so regardless of whether the overtime hours for which it was compensating the plaintiffs were for work in excess of 40 hours a week.

50. Section 207(o) of the FLSA, 29 U.S.C. § 207(o), permits public agency employers such as defendant to provide compensatory time in lieu of cash overtime to their employees as payment for overtime hours worked, but only provided that certain conditions are met. See 29 U.S.C. § 207(o); 29 C.F.R. §§ 553.20-28. One of the basic requirements is that employees receive compensatory time at the rate of one and one-half hours of compensatory time for each hour of overtime worked. 29 U.S.C. § 207(o)(1). Defendant has violated section 7(o) of the FLSA, 29 U.S.C. §§ 207(o) by failing and refusing to compensate plaintiffs for their overtime work at the rate of one and one-half hours of compensatory time for each overtime hour worked, and instead compensating them at the rate of one hour of compensatory time for each hour of overtime worked.

51. As a result of the defendant's willful and purposeful violations of the FLSA, there have become due and owing to the plaintiffs an amount that has not yet been precisely determined. The employment and work records for the plaintiffs are in the exclusive possession, custody and control of defendant and its public agencies and the plaintiffs are unable to state at this time the exact amount owing to them, but from these payroll records, plaintiffs will be able to ascertain the precise extent of these violations of section 7(a) of the FLSA, 29 U.S.C. § 207(a). Defendant are under a duty imposed under the FLSA, 29 U.S.C. § 211(c), and various other statutory and regulatory provisions to maintain and preserve payroll and other employment records

with respect to the plaintiffs and other employees similarly situated from which the amount of defendant's liability can be ascertained.

52. Pursuant to 29 U.S.C. § 216(b), plaintiffs are entitled to recover liquidated damages in an amount equal to their back pay damages for the defendant's failure to pay overtime compensation.

53. Plaintiffs are entitled to recover attorneys' fees and costs under 29 U.S.C. § 216(b).

DEMAND FOR A JURY TRIAL

Pursuant to Rule 38 of the Federal Rules of Civil Procedure, plaintiffs hereby demand that their claims be tried before a jury.

PRAYER FOR RELIEF

WHEREFORE, the plaintiffs pray that this Court:

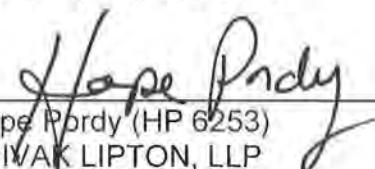
- (a) Enter judgment declaring that the defendant has willfully and wrongfully violated their statutory obligations, and deprived each of the plaintiffs of his and her rights;
- (b) Order a complete and accurate accounting of all the compensation to which the plaintiffs are entitled;
- (c) Award plaintiffs monetary liquidated damages equal to their unpaid compensation;

- (d) Award plaintiffs interest on their unpaid compensation;
- (e) Award plaintiffs their reasonable attorneys fees to be paid by the defendant, and the costs and disbursements of this action; and
- (f) Grant such other relief as may be just and proper.

Respectfully submitted,

/s/

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